

THE MARTHA'S VINEYARD COMMISSION

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Martha's Vineyard Commission Minutes for the Special Meeting of July 25, 2002

[The tapes of the Special Meeting were of poor quality. Consequently, beginning at the italicized note on page 2, these Minutes were prepared using only the Staff Secretary's notes.]

The Martha's Vineyard Commission (the MVC or the Commission) held a Special Meeting on Thursday, July 25, 2002, at 7:30 p.m. in the first floor meeting room at the Commission Offices in the Olde Stone Building, 33 New York Avenue, Oak Bluffs, Massachusetts. At 7:40 p.m., a quorum being present, Richard J. Toole – a Commission member at large from Oak Bluffs, the Chairman of the Land Use Planning Committee and the Hearing Officer that evening – called the Special Meeting to order.

[Commission members present at the gavel were: J. Best; C. Brown; M. Donaroma; J. Greene; M. Ottens-Sargent; A. Schweikert; L. Sibley; R. Toole; J. Vercruysse; and K. Warner. Mr. Woodruff arrived at 7:45 p.m., and Mr. Athearn took his seat at 8:11 p.m.]

Public Hearings: Island Elderly Housing Woodside Village IV and Woodside Village V (DRI Nos. 553 and 554).

Mr. Toole explained that the two Public Hearings that evening – which were for related proposals by Island Elderly Housing – would run concurrently, which was why, he said, he had waited until 7:40 p.m. – the posted starting time for the second Hearing – to begin.

Mr. Toole then read into the record the Notice of Public Hearing for the Island Elderly Housing Woodside Village IV Application (DRI No. 553), as well as the one for the Island Elderly Housing Woodside Village V Application (DRI No. 554). *[See the Full Commission Meeting File of July 25, 2002 (the meeting file) for copies of the notices.]* Mr. Toole also outlined the Hearing procedure.

Applicant's Presentation.

Carol Lashnits, Executive Director of Island Elderly Housing, introduced **Peter Zorzi of Studio One Inc. Architects Planners** and engineer **Douglas R. Hoehn of Schofield, Barbini & Hoehn.** Mr. Hoehn handed out some packets of materials that included, among other documents, a campus plan and elevations. *[See the meeting file for copies.]*

Mr. Zorzi explained that the Woodside IV and V projects were very similar in terms of structure, the quality of construction, energy efficiency, types of materials and so forth. Woodside IV would have nine units, and Woodside V would have five, he said. Woodside IV, the larger of the two, would be a U-shaped structure with two lateral wings. Both buildings would have a southerly orientation. Additionally, Mr. Zorzi pointed out, the units of both buildings would be accessible internally off a common hallway and externally from their own front entrances, which would be identified on the external elevation.

Each of the structures would contain a common community room and a small laundry facility located on the main floor, Mr. Zorzi continued. The exterior wall construction would be two-by-six R-21, and the ceiling roof construction would be R-38, both of which exceeded building code requirements. Both facilities would have high-efficiency heating systems as well as double-hung windows.

Furthermore, Mr. Zorzi went on, the units would contain a whole host of details designed to accommodate the elderly residents. For instance, he said, the kitchen counters would be 2 inches lower than standard "because, you know, as folks get older, they get a little shorter." Also, the electrical outlets in the living rooms and bedrooms would be installed at a height of 48 inches so that the occupants would not have to stoop. *[At this point the recording became too scratchy to use.]*

Mr. Zorzi described some of the other specially designed features: a pocketbook shelf by the front door; a so-called "I'm OK" window, whose blind the tenant could adjust to indicate if he or she needed assistance; pull chains in the bedroom and bathroom with which to call for assistance; and the bedroom and bathroom located close to each other, as required by the Department of Housing and Urban Development (HUD).

Other special features included: roll-in showers and floor drains in all the bathrooms; all bathroom walls reinforced to support hand bars; wide marble windowsills to accommodate plants; deep overhangs outside; television sets mounted back-to-back and only on internal walls so that neighbors would not be troubled by overly loud sets; wall ovens, so the tenants would not have to stoop; and sinks with overflow mechanisms.

Mr. Zorzi then provided some of the broader details of the plans: each unit would be a maximum of 535 square feet, the maximum allowed by HUD; and the exteriors would be covered with white cedar shingles and pine trim.

Questions from Commission Members.

Referring to one of the elevations, West Tisbury Selectmen's Appointee Kate Warner wanted to know if "the thing in the middle" was an entry canopy. "Yes," answered Mr. Zorzi, "it incorporates a sitting area near the front door."

Ms. Warner also wanted to know if there would be trees all around the site. "Both are wooded sites, yes," replied Mr. Zorzi. Ms. Warner wondered if he had considered using solar panels. "HUD would never pay," remarked Jane A. Greene, the Chilmark Selectmen's Appointee. "Well, some other organization, a grant, perhaps," suggested Ms. Warner. "HUD holds us pretty tight on these things," noted Mr. Zorzi.

And you can't put in a basement? inquired James Vercruysse, Commission Chairman and a member at large from Aquinnah. Mr. Zorzi explained that including a basement would trigger the requirement for an elevator. He pointed to the utilities room, which was small. Then, would there be any space for storage? asked the Chairman. Ms. Lashnits replied that Island Elderly Housing did not encourage tenants to store too much. "There's at least a closet in every unit," she noted. Mr. Zorzi added to that, "There's more storage than in some of the existing units."

Chairman Vercruysse also wanted to know if the facilities would have air exchange systems. Mr. Zorzi responded that the common corridors would have six air changes per hour, thus ensuring, for instance, that kitchen smells would not waft into neighboring units. Would it be a filtered system? wondered Megan Ottens-Sargent, the Aquinnah Selectmen's Appointee. "Yes, a filtered system," said Mr. Zorzi.

Alan Schweikert, the Oak Bluffs Selectmen's Appointee, asked whether any of the units would be completely handicapped-accessible. Mr. Zorzi explained that 5 percent, or one unit per facility, had to be fully accessible. Those units would have a little more clearance in the doorways, he said, and accommodation would also be made for deaf tenants.

Ms. Lashnits asked Mr. Zorzi if the heat was in the floor. "It would be baseboard gas-fired," answered the architect. "The others didn't have that," noted Ms. Lashnits, who added that the new feature would be helpful to those with arthritis. Mr. Zorzi provided some details on the history of the problems that were associated with radiant heat in slab-construction structures. He pointed out that the new facilities would also have carpeting and perimeter insulation.

Responding to a question from Mr. Toole, Mr. Zorzi said that the site was a well-treed one to begin with.

Ms. Ottens-Sargent had some questions about the handling of wastewater for the facilities. Mr. Hoehn, the engineer, explained that the Applicant would install enhanced

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nitrogen-removal systems, namely, the BioClear brand. Since the Southern Woodlands DCPC (the bounds of which included these projects) set limits on nitrogen loading in that area, he continued, he had been working with Water Resources Planner William M. Wilcox to come up with ways to meet that requirement.

The bottom line was, Mr. Hoehn said, that part of Lot 2C, which measured 2.4 acres, would be dedicated and left unbuilt so as to provide the needed offset. "We're offering to make the numbers work," he stressed.

Ms. Ottens-Sargent asked about upgrades to the Title V systems for the other Woodside properties. Mr. Hoehn related that Island Elderly Housing had entered into an agreement with the Down Island Golf Club Applicant to upgrade those systems and that the agreement was still in force. "So we *will* be upgrading those systems," he said, explaining, "Those will be treated as separate lots."

And when those upgrades were done, would the Applicant still have to dedicate part of Lot 2C to open space to accomplish the required offset? wondered Ms. Ottens-Sargent. "Yes, we'd still have to dedicate land," replied Mr. Hoehn, who pointed out that each lot was separately owned and so was dealt with separately in terms of the nitrogen-loading mitigation measures.

Ms. Greene inquired if Mr. Hoehn had considered the Amphidrome denitrification system. "Well, we've been using BioClear, which is a very responsive company," Mr. Hoehn answered, adding, "but we're not married to them." Ms. Greene related that the Amphidrome system had been approved by the State.

When Ms. Ottens-Sargent expressed concern that the Applicant was under time constraints and might not have time to consider this, Mr. Hoehn said, "It won't take much time to look at it." Ms. Lashnits stated that she needed a firm commitment of approval by August 1 for the Woodside Village IV facility. The commitment for Woodside Village V was due a couple of months behind that, she said.

"What are the rents going to be?" asked Ms. Ottens-Sargent. Ms. Lashnits explained that the amount of rent was based on income and that the tenant was required to pay no more than 30 percent of his or her income towards it. "The average is \$200 a month," she added.

John Best, a Commission member at large from Tisbury, wanted to know if all the tenants would have to meet the 80-percent-of-median-income limit to qualify. Ms. Lashnits replied that, in fact, the units were for *very* low income people, that is, people whose income did not exceed 50 percent of the median level. And what if you can't fill all of them? wondered Mr. Best. "Then we'd go to low income people," stated Ms. Lashnits.

Were the tenants always elderly? inquired Ms. Ottens-Sargent. For these two project, yes, replied Ms. Lashnits. Responding to a question from Mr. Best, Ms. Lashnits confirmed that, yes, some of the other IEH facilities had had a few younger handicapped tenants.

Staff Reports.

DRI Coordinator Jennifer Rand reported that the Applicant had requested an Application fee waiver as well as a waiver from the requirement for a traffic analysis. Transportation Planner David Wessling, she said, had agreed to the latter request. "The fee waiver is up to you," Ms. Rand noted, adding, "You have precedent."

Ms. Rand also referred to the numerous "very strong" letters of support that had been submitted for the record.

Water Resources Planner William Wilcox referred the Commission members to a document entitled *Island Elderly Housing, Woodside IV and V, DRI #553 and #554 – Staff Notes: William Wilcox, Water Resources Planner, Revised 25 July 2002. [See the meeting file for a copy.]* The proposal site was located at a ground elevation of 90 to 100 feet, he began, and the water table would be at a depth of 85 feet or more. The soil on the site was Carver loamy coarse sand on slopes of 3 to 8 percent.

Mr. Wilcox continued that the groundwater flow was generally toward the north and northwest in the direction of Lagoon Pond, which was a nitrogen-sensitive embayment with a loading limit that was "very near to the current estimated annual loading."

In reviewing proposals in the Lagoon Pond watershed, Mr. Wilcox explained, there were two nitrogen-loading limits either in effect or suggested for use as guidance in review. The first was the Southern Woodlands DCPC limit of 3 milligrams per liter (parts per million) in the groundwater. Secondly, there was the Commission's recommendation of a limit of 4.4 kilograms per acre per year for the Outstanding Resource Water designation or 13.3 kilograms per acre per year for the SA designation according to the Buzzard's Bay Program formula.

The two proposed Woodside facilities would create 14 units with 14 bedrooms, said Mr. Wilcox, with Woodside Village IV having 9 bedrooms on 1.11 acres and Woodside V having 5 bedrooms on 0.5 acres. His nitrogen-loading calculations had been based on an occupancy rate of 1.2 people per unit on a year-round basis, although the occupancy rate could wind up being lower than that.

Mr. Wilcox's calculations were as follows: Assuming (a) that the denitrifying technology would bring the average nitrogen content in the wastewater down to 19 milligrams per liter, (b) that there would be no nitrogen-loading contribution from landscaping and (c) that each person would produce 48 gallons of wastewater per day, the Woodside Village

IV facility would produce 13.6 kilograms per year from wastewater, while Woodside Village V would produce 7.6 kilograms per year.

Mr. Wilcox related that he had also factored in the dilution of the nitrogen load by the annual recharge of 1.85 feet of water. Thus, Woodside Village IV would yield an average nitrogen concentration of 5.4 parts per million, he said, and Woodside Village V would yield an average of 6.6 parts per million.

Turning to the subject of stormwater runoff, Mr. Wilcox asked Mr. Hoehn if the parking area would be paved. "Yes," replied Mr. Hoehn. Mr. Wilcox explained that the soil on the site would take a large amount of runoff, and he assumed that the runoff for the parking area would be treated by infiltration either into catch basins or swales.

Mr. Wilcox then laid out his recommendations. In order to bring the average groundwater nitrogen concentration from the project down to 3.0 milligrams per liter, additional land could be dedicated to recharge nitrogen-free water that would, in effect, offset the nitrogen load from the proposal.

Mr. Wilcox continued: The total acreage necessary to bring the nitrogen concentration from Woodside Village IV down to 3.0 milligrams per liter would be 1.99 acres. Since the site encompassed 1.11 acres as proposed, an additional 0.88 acres would be needed. The total acreage necessary to bring the nitrogen concentration from the Woodside Village V facility down to an average of 3.0 milligrams per liter would be 1.1 acres. Since the site as proposed would encompass 0.5 acres, an additional 0.6 acres was needed.

Christina Brown, a Commission member at large from Edgartown, wanted to know whether dedicating the 2.4 acre lot would be more than enough to offset the nitrogen loading from the project. About a 1.5-acre portion of it would satisfy the requirement, answered Mr. Wilcox. *[Mr. Athearn arrived at this point, 8:11 p.m.]*

Responding to a question from Ms. Warner, Mr. Wilcox explained that because the groundwater flowed roughly in a stream, the net effect of the Lot 2C dedication would offset the loading from the other two lots since it was immediately adjacent to the nitrogen sources. In addition, he noted, the discharge would circulate in the pond system.

What if Island Elderly Housing bought more land in the future and built another facility? wondered Ms. Warner. Mr. Wilcox replied that perhaps at that point an advanced treatment system would be needed. Another option, he said, would be to get another parcel in the area donated to the agency and dedicate that to open space.

Mr. Hoehn interjected that only a little over half of the 2.4 acres would be dedicated to offset the nitrogen loading from Woodside IV and Woodside V. "The rest could be dedicated to something else," he said.

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Could it be any parcel that was dedicated? inquired Chairman Vercruysse. "No," replied Mr. Wilcox, "it should be reasonably close or uphill from the built lot." He reminded the members about the Down Island Golf Club Applicant's proposal to upgrade the septic system of the Tisbury Marketplace, which would have helped Lagoon Pond overall but would not have specifically offset the nitrogen loading from the proposed golf course, which had been planned for the other side of the Lagoon.

Ms. Ottens-Sargent wanted to know if the Commission should include in its Decision a Condition stipulating that the Applicant was to have no lawn area. "I would recommend that they minimize the fertilized turf area," said Mr. Wilcox, "plus get the maximum use of the native plants and use a slow-release nitrogen fertilizer." He added that the amount of nitrogen loading from lawn care would be small compared to the loading from the wastewater generated by the project. "We don't really fertilize," testified Ms. Lashnits.

Noting that the reason for the blacktop in the parking area was obvious, Ms. Ottens-Sargent asked if there would be an issue with runoff. Mr. Zorzi noted that the pavement would provide a stable walking surface. Mr. Hoehn agreed that it was a safety issue. "It's easier to plow," noted Ms. Lashnits. "No mud season," commented Ms. Greene.

Mr. Zorzi added that the design had to include a minimum number of off-street parking spaces and that he had no concerns about the ability of the soils on the site to handle the runoff. Ms. Lashnits added that the facilities would, in fact, have fewer parking spaces than most projects of comparable size.

In the meantime, Ms. Rand had come up with what would normally be the amount for the Application fee that the Applicant was asking to be waived: \$1,600 for each project, for a total of \$3,200.

Ms. Brown inquired about the plans for Chaise Road, which is an Ancient Way. The DCPC Regulations, she noted, provided for a buffer, and she was concerned, she said, that the construction crews might use it as a short cut. "It's a 25-foot buffer," said Mr. Zorzi. Ms. Lashnits explained that the crews would be coming in from Woodside Village III.

Ms. Brown pointed out that directly south of Woodside Village III to east of the crossover, it looked as if there would be a lot of disturbance. Linda Sibley, a Commission member at large from West Tisbury, asked, "How will that be prevented?" Ms. Brown suggested that the buffer around the Ancient Ways could be roped off.

Mr. Best wondered if the Applicant intended to connect the two sidewalks that were presently in place. "We could hook it up," answered Ms. Lashnits. Mr. Hoehn agreed that that was possible. Ms. Lashnits observed that the tenants would most likely use the Ancient Way to walk to the building with the big community room.

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Andrew Woodruff, a Commission member at large from West Tisbury, wanted to know the following: If the Applicant wound up building on the part of Lot 2C that was not being dedicated, would the project be intersecting Chaise Road? "That depends on which side of 2C they build on," replied Mr. Hoehn. Ms. Lashnits suggested that IEH could reserve the back piece of Lot 2C as well, since that area constituted a buffer between the Woodside facilities and the Schoolhouse Village subdivision.

Mr. Hoehn inquired if the DCPC Regulations stipulated that the Ancient Ways contained therein could only be crossed once. Acting Principal Planner William Veno explained that there had to be a 50-foot buffer on either side of the Ancient Way. The process involved in establishing a crossing included going before the Site Plan Review Committee, he added.

Mr. Best confirmed with Ms. Lashnits that the Woodside facilities would contain about 90 units when the projects currently under consideration were completed. He also asked if there was a place where all the residents could meet. Ms. Lashnits responded that Woodside Village II have a "huge community room." "It's about 1,000 square feet," interjected John Early, a member of the IEH board who was seated in the audience. Ms. Lashnits added, "We're encouraging people to come and use that, and our offices are there, too."

The Hearing Officer asked for testimony from Public Officials and Town Boards; there was none. Nor was any testimony offered in favor of the proposal, in opposition to it or in general.

Applicant Summary.

Asked by the Hearing Officer if he wished to present a summary, Mr. Zorzi remarked, "I think it's all been said. Are there any other questions? ... It's pretty straightforward. It is what it is."

Ms. Lashnits observed that it was helpful when the Commission required certain amenities for a project, since it was likely that HUD would then pay for those. Mr. Zorzi noted that having push-button entry doors from the outside and the vestibule to facilitate entry by handicapped individuals would be helpful.

More Questions from Commission Members.

Mr. Best inquired if there was any compelling reason that the Woodside Village V structure could not be tweaked to be facing south. Mr. Hoehn pointed out that if they did that, then the siting of the future Woodside Village VI structure would also have to be adjusted.

Ms. Sibley wanted to know how Island Elderly Housing would pay the Application fee if the Commission did not waive it. Ms. Lashnits explained how their funds came from

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selling donated land to corporations that were set up for each of the projects. "It comes from selling land back and forth," she said, adding, "It's all very legal." Ms. Greene suggested that the Commission require the paved parking areas and the sidewalks mentioned earlier by Mr. Best.

Returning to the subject of the fee waiver, Ms. Lashnits remarked that she had always been willing to pay for the Commission's expenses related to the DRI review. "You know, we're really strapped for money, too," said Ms. Sibley.

"Should we close this?" asked Ms. Greene. Edgartown Selectmen's Appointee Michael Donaroma had a question about having windows open in the summertime. Ms. Greene pointed out that in the past the MVC had supported having air conditioning for this type of project. Mr. Zeltzer suggested ceiling fans. Ms. Lashnits responded that in the past air conditioning had been installed only to cool the common areas. The tenants, she said, could buy their own window units. The new facilities would have double-hung windows, she added.

Mr. Zorzi noted, "We've located windows in the hallways." "But it's more efficient to have central air," said Mr. Best. "A lot of the tenants don't like it," commented Ms. Lashnits, "plus it requires a lot of maintenance."

Ms. Greene suggested that if it should become clear that more air conditioning was needed, the Commission could write a letter in support of that. "We *will* have air conditioning in the common areas," Ms. Lashnits repeated.

Ms. Greene asked if there was anything needed in the units' kitchens. Ms. Lashnits mentioned sensors for the handicapped-accessible units. Mr. Zeltzer reminded her about the sensing devices for the faucets. Ms. Lashnits observed that they had had the faucet devices installed in Woodside Village I and that the tenants had not liked them. "They'd be good for the handicapped units," said Mr. Zorzi.

Mr. Toole closed the Public Hearing and Written Record at 8:36 p.m.

Special Land Use Planning Committee Session.

Ms. Greene made a **Motion To Recommend To The Full Commission The Approval Of The Woodside Village IV And The Woodside Village V Applications With Conditions.** Ms. Greene read aloud the proposed Conditions:

- 1) That the Commission waives the customary Application fee;
- 2) That the Commission waives the customarily required traffic analysis;

- 3) That the Commission accepts the offer of the Applicant to set aside the west side of Lot 2C, which would remain unbuilt, being allocated to offset nitrogen loading from the current proposal, in order to meet the requirements of the Regulations for the Southern Woodlands District of Critical Planning Concern;
- 4) That the Applicant must limit the turf area to a minimal amount, and that the Commission encourages the Applicant to leave natural *[later changed to "native"]* vegetation on the site;
- 5) That the Applicant is required to install at the building's inner and outer entry doors buttons with the accompanying mechanisms so that handicapped residents can activate the opening of the doors;
- 6) That the entire building is to be sprinklered;
- 7) That the common area is to be air-conditioned;
- 8) That the bathrooms in the unit(s) for the handicapped are to be equipped with motion-sensored faucets; and
- 9) That the Applicant shall install a BioClear septic system or its equivalent to handle the wastewater produced by the facility.

Ms. Ottens-Sargent requested that a specific nitrogen loading amount be referenced. "Don't need to," responded Ms. Greene, who added, "They're not going to fertilize, and I am requiring a BioClear or its equivalent." Ms. Ottens-Sargent also asked that in Condition 4 the word "natural" be changed to "native." After some comments from Mr. Best and Ms. Sibley, Ms. Greene agreed to this.

Ms. Brown offered a Second for Ms. Greene's Motion, adding a further Condition:

- 10) That the Applicant put up some kind of fencing to indicate the Chaise Road setback during construction.

Ms. Greene accepted the addition of that Condition. Mr. Woodruff requested another Condition, which Ms. Greene also accepted and Ms. Brown seconded:

- 11) That the Applicant put up fencing to indicate the required buffer from the centerline of Holmes Hole Road.

Mr. Best suggested including a Condition that the Applicant was to connect the walkways on the Woodside Village site. Ms. Greene pointed out that in testimony the Applicant had already offered to do that.

Regarding Condition 3, Ms. Rand inquired about an exact acreage that would be set aside. "Well, give me the acreage you want," responded Ms. Greene. Mr. Wilcox indicated that 1.48 acres would be needed to offset the nitrogen loading from the facilities being proposed. Ms. Greene asked Ms. Rand to make sure that a Conservation Restriction was part of that acreage.

Chairman Vercruysse wanted to know if Commission Staff members were "okay with the waivers." "Yes," answered Ms. Rand.

Mr. Woodruff had a question: If the Applicant returned to the Commission with a proposal for more structures on the Woodside site, would additional acreage have to be dedicated to offset the nitrogen loading from the new structures? Ms. Greene replied that if, in fact, the Applicant chose to put in the Amphidrome system, they would not need to put aside the acreage. Mr. Hoehn, the engineer, indicated that he would check that out.

Responding to a question from Mr. Veno, Ms. Greene said that Condition 3 should include wording to the effect that "only as much land as is required to achieve the nitrogen-loading offset needed to be set aside." Ms. Brown accepted said addition.

With all the amendments having been accepted by Ms. Greene and Ms. Brown, Mr. Toole conducted a Voice Vote on Ms. Greene's Motion. Said Motion carried unanimously, with 11 Ayes, no Nays and Mr. Athearn Abstaining.

Mr. Donaroma made a **Motion To End The LUPC Session And To Return To The Special Meeting**, duly seconded by Ms. Brown. By Voice Vote, said Motion carried unanimously.

Discussion/Vote: Island Elderly Housing Woodside Village IV (DRI No. 553) and Woodside Village V (DRI No. 554).

Mr. Donaroma made a **Motion To Move To Item Six, Possible Vote: Island Elderly Housing Woodside Village IV (DRI No. 553) and Woodside Village V (DRI No. 554)**, duly seconded by Ms. Brown.

Ms. Greene made a **Motion To Approve The Island Elderly Housing Woodside Village IV Application With The Conditions Recommended By The Land Use Planning Committee**, duly seconded by Ms. Brown. There being no discussion, Mr. Veno conducted a Roll Call Vote, with the following results:

AYES: J. Best; C. Brown; M. Donaroma; J. Greene; M. Ottens-Sargent;
A. Schweikert; L. Sibley; R. Toole; J. Vercruysse; K. Warner; and
A. Woodruff.

NAYS: None.

ABSTAINING: J. Athearn.

Ms. Greene made a **Motion To Approve The Island Elderly Housing Woodside Village V Application With The Conditions Recommended By The Land Use Planning Committee**, duly seconded by Ms. Brown. There being no discussion, Mr. Veno conducted a Roll Call Vote, with the following results:

AYES: J. Best; C. Brown; M. Donaroma; J. Greene; M. Ottens-Sargent;
A. Schweikert; L. Sibley; R. Toole; J. Vercruysse; K. Warner; and
A. Woodruff.

NAYS: None.

ABSTAINING: J. Athearn.

When Ms. Greene acknowledged the board of Island Elderly Housing for their accomplishments, a number of Commissioners said, "Here! Here!" (Applause) The time was 8:46 p.m. Chairman Vercruysse called for a brief recess.

Approval of Minutes: Regular Meeting of June 20, 2002.

The Chairman reopened the Special Meeting at 8:54 p.m. Ms. Greene made a **Motion To Approve The Full Commission Meeting Minutes Of June Twentieth Two Thousand Two**, duly seconded by Mr. Best. There being no amendments or corrections offered, said Motion carried unanimously by Voice Vote, with nine Ayes (J. Athearn; J. Best; C. Brown; M. Donaroma; A. Schweikert; L. Sibley; R. Toole; J. Vercruysse; and A. Woodruff), no Nays and three Abstaining (J. Greene, M. Ottens-Sargent; and K. Warner).

Reports.

Delivering the **Chairman's Report**, Mr. Vercruysse related that he and Commissioners Athearn and Wey would be traveling to EOEa Secretary Bob Durand's office in Boston the following day for a meeting with the Down Island Golf Club Applicant, James Lengyel of the Martha's Vineyard Land Bank Commission, State Representative Eric Turkington and others. "I don't know what to expect," he said, adding, "It should be interesting."

Mr. Donaroma wanted to know if Commission Counsel Eric Wodlinger would attend. "I thought about that," responded the Chairman, who noted that he would be able to contact Mr. Wodlinger by telephone at any point. A discussion ensued regarding whether Commission Counsel should attend and what role the Executive Office of Environmental Affairs would play.

Ms. Warner pointed out that given the EOEa's "strong comments" at the buildout workshop in May, she did not expect that they would be amenable to the Applicant's

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"deal." Secondly, she continued, how could it be that the local newspapers were reporting that the Town of Oak Bluffs had already signed a contract with the Applicant?

The discussion proceeded. Mr. Schweikert wanted to know if the Applicant would have to return to the Commission for a Public Hearing on the most recently proposed plan. "If it's a new plan," replied Ms. Greene. Mr. Donaroma reiterated his opinion that Commission Counsel should be present. The Chairman noted that he had only been notified of the meeting the day before, so there had not been time to make arrangements for Mr. Wodlinger's attendance.

Ms. Sibley remarked, "There are certain serious legal issues involved in this, although I realize it would be presumptuous to think that [Mr. Wodlinger] could make it." She suggested that the meeting be taped, then cautioned, "If our Counsel isn't there, you guys have to be extremely careful about what you say." "Our role is to listen," responded Chairman Vercruysse. "That suggests there may be a subsequent meeting," noted Ms. Sibley, "where Eric [Wodlinger]'s presence would be particularly important."

The Chairman said that he would be calling Mr. Wodlinger that evening. Mr. Schweikert suggested that Counsel could send somebody to the meeting in his stead. Ms. Brown agreed, saying, "Ask Eric [Wodlinger] about having one of his assistants there, just to be there, just in case." "Ask Counsel how you can preface things so you're not representing the Martha's Vineyard Commission," recommended Ms. Ottens-Sargent. "We all should be there," remarked Mr. Donaroma.

Mr. Toole emphasized that there was no way official Commission business could be carried on at the meeting. "So they're going to get information to bring back to us?" asked Mr. Donaroma. Mr. Toole nodded. "We have to trust our three Commissioners to do a good job," said Ms. Warner. "And tell them to give you a reasonable amount of notice the next time," interjected Mr. Best.

The Chairman reported that Mark Bobrowski would be at the meeting representing the Town of Oak Bluffs. He repeated that he would call Mr. Wodlinger that evening. "Will press be there?" inquired Ms. Ottens-Sargent. Ms. Greene answered that there would be no press, that the meeting would be private.

Providing the **Search Committee Report**, Chairman Vercruysse related that during the preceding weekend, the committee had interviewed five of the eight candidates for the Executive Director position. Ms. Greene reported that two of the candidates had dropped out. The Staff Secretary commended the committee members for the time and hard work they were putting into the search process. "I agree," noted Mr. Donaroma.

Chairman Vercruysse continued that the committee was meeting the following Sunday for more interviews, then would work on the "short list" of candidates to be interviewed in public session.

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Regarding the **Finance Committee**, Acting Executive Director Irene M. Fyler reported that the MVC's loans had been consolidated, which would save approximately \$500 a month. In addition, she had received a check for \$9,800 from the loan consolidation, which would be used to help pay for the masonry work needed on the porch of the Olde Stone Building. "You have Marcia [Cini] to thank," stressed Ms. Fyler, who added that the attorneys had waived their fees and that the bank had kept the costs for the consolidation low.

Mr. Donaroma wanted to know if the Commission was paying former Executive Director Charles Clifford as had been provided for in his Separation Agreement. "Yes," replied Ms. Fyler.

Mr. Toole delivered the **LUPC Report**, beginning with an account of the committee's meeting with **CK Associates, LLC**, who were proposing a **Chapter 40B subdivision in the Southern Woodlands (DRI #555)**. The Applicant, he related, had reduced the number of houses planned from 360 to 320 and had eliminated the studios and condominiums from the proposal. The average lot size would be 35,000 square feet, he went on, and the construction would be phased over seven years. Six individual house designs were proposed, and according to the Applicant, an estimated 300 children would live in the development.

Mr. Toole continued that there would be about 70 acres of open space, including roads, and that the trails on the property would parallel the roads. "We really spent some time with him, working on suggested changes, like clustering," said Mr. Toole, "but he didn't want to hear it. He wants as much private property as possible. 'The plan is the plan,' he said."

Finishing up, Mr. Toole related that Mr. Donaroma had made it clear that anything more than 90 units would be unacceptable to the Commission.

DRI Coordinator Jennifer Rand reported that she had finished reading the CK Associates submission and had sent out that day a list of the documents she would need before the Applicant met again with the LUPC. Some parts of the submission were unreadable, she said, and some of the information and studies were irrelevant because they had been developed for the Down Island Golf Club plan and not for the Chapter 40B proposal.

"I said, 'Let me know when you've got the information,'" continued Ms. Rand, who added that she had suggested to the Applicant that he could put the project on hold or withdraw it. "I heard not a peep," she said. Ms. Rand made mention that she had requested that the Applicant make all submitted copies two-sided. "If I hear nothing in a couple of weeks," she concluded, "I'll give him a call."

Ms. Brown pointed out that there were additional comments and information from the **Fairwinds Chapter 40B Applicant (DRI #548)** in the meeting packets. Mr. Toole

encouraged the members to study those documents before the LUPC meeting with the Applicant on July 29.

Noting that the Public Record for the Fairwinds Application had closed that day, Mr. Donaroma inquired if engineer Douglas Dowling, an opponent of the project, had submitted any correspondence. "No," answered Ms. Rand. Ms. Greene commented that the memorandum by Acting Principal Planner William Veno on the Commission's role in reviewing Chapter 40B projects was helpful. Ms. Rand noted that the correspondence that had come in since the closing of the Fairwinds Hearing had been from people who had spoken already during the Hearing.

Next, Ms. Rand announced that no LUPC meeting was planned for August 5 and that a visit to the site of the **Tisbury Fuel Services proposal (DRI #552)** would take place on Monday, August 12, at 5:30 p.m.

Ms. Sibley reported that the **Planning and Economic Development (PED) Committee** had not met. Ms. Brown suggested that in view of the number of recent Chapter 40B Applications and the amount of press devoted to them, it was **time for the full Commission to have a short, concentrated session on the MVC's role with regard to affordable housing.** After a brief discussion, it was agreed that time for this would be available during the Special Meeting of August 1.

Ms. Brown suggested that the members all read the study entitled *Preserving Community: An Island-Wide Housing Needs Assessment* by John Ryan, copies of which they had all received some months before. Ms. Ottens-Sargent submitted some material containing a timeline on the issue of homelessness and the development of affordable housing policy over the years, and she requested that copies be mailed to all Commission members. Ms. Brown said, "I would recommend that we focus our discussion on the Island and our particular role."

"Will that Meeting address the guidelines for addressing 40Bs?" asked Mr. Schweikert, who emphasized, "That's of very paramount importance." He referred to some of the comments made by affordable housing advocate JuleAnn VanBelle during the Fairwinds Hearing sessions about how, in fact, that project would not help the Town of Tisbury move closer to meeting its 10-percent-affordable-housing requirement. [See page 31 of the *Full Commission Meeting Minutes of July 11, 2002.*] Ms. Brown pointed out that there was much information on that aspect of the discussion in the *Preserving Community* document.

When Ms. Sibley pointed out that the LUPC would be meeting with the Fairwinds Applicant the following Monday, that is, before the discussion would take place, Ms. Brown assured her that Mr. Veno's memorandum contained everything they needed to know about how the Commission should manage the affordable housing components of Developments of Regional Impact.

"There're some obvious things we should be looking for in housing Decisions, when weighing the benefits and detriments," observed Mr. Schweikert, stressing, "We have to look at this differently." Ms. Greene pointed out that the Commission had just approved two new Island Elderly Housing facilities for a total of 90 IEH affordable units in Oak Bluffs. "Aren't they being counted?" she wondered. "Oak Bluffs is close," responded Ms. Warner, referring to the goal of 10 percent affordable housing in the Town. Mr. Best reported that the Town of Tisbury needed around 100 or 110 more affordable units to meet its goal.

Christine Flynn, a Regional Planner who handles affordable housing issues at the Commission, related that both Tisbury and Oak Bluffs were around the 5 percent mark in meeting the 10 percent minimum. "Thirty-five, forty units at Island Elderly Housing will get Oak Bluffs out of trouble," noted Ms. Greene.

Ms. Warner made the point that even if the Towns met their goals, Chapter 40B Applications would continue to come in. "We're never going to have enough," remarked Mr. Woodruff. "But we have more control if we have that 10 percent," said Ms. Greene. Mr. Donaroma expressed the hope that Chapter 40B Applicants would work with the Commission to find ways to help.

The Staff Secretary reminded the members that their **Nomination Papers** for the November election were due at the Offices of the Town Clerks by close of business the following Tuesday, July 30.

Mr. Veno reported that Staff had been working on the **Chappaquiddick ferry traffic survey**. In addition, the **Fiscal Years 2003-2007 Transportation Improvement Plan** had been drafted. Furthermore, Staff was doing a study of the Regional Transportation Plan. Lastly, he said, the following day he would be attending a **meeting of the Massachusetts Association of Regional Planning Agencies (MARPA)**, where the **concept of having a "footprint program" instead of rural road standards** would be discussed. "It looks very promising," he remarked.

Ms. Brown commented that having the Staff members conduct the Chappaquiddick survey was "great PR." Mr. Veno mentioned that Ms. Brown had helped them on a couple of occasions.

New Business: Vote on Moving the August Regular Full Commission Meeting.

Ms. Sibley made a **Motion To Hold The Commission's Regular Monthly Meeting On August Twenty-Second Instead Of On August Fifteenth During The Annual Audit**, duly seconded by Ms. Ottens-Sargent. By Voice Vote, said Motion carried unanimously.

Ms. Brown suggested that since Commission Staff had worked on Friday, July 5, each should be allowed to choose for himself a Staff Appreciation Day during the month of August. Ms. Greene agreed. Ms. Sibley made a **Motion That Staff Be Given An**

Appreciation Day Off From Work Of Their Choosing During The Month Of August, duly seconded by Ms. Greene. Said Motion carried unanimously by Voice Vote.

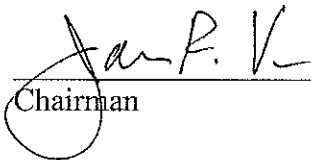
New Business: Appointment of Ad Hoc Committee on MVC Position during the Public Hearing on Oak Bluffs' Withdrawal from the Commission.

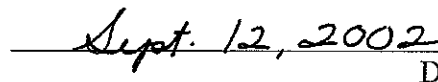
Chairman Vercruysse explained that in September when the State planned to hold a Public Hearing on the question of the Town of Oak Bluffs' possible withdrawal from the Commission, it would be advantageous for the MVC "to come up with a unified Commission position. We should come up with a statement." To that end, he was hereby appointing an ad hoc committee to work on a position paper.

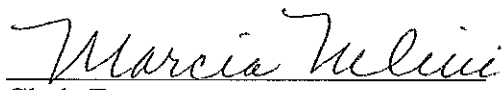
Ms. Sibley agreed that a written statement would be a good thing but that individual Commissioners ought "to feel free to speak as themselves."

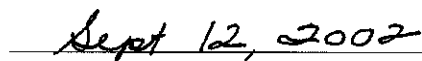
The Chairman asked for volunteers. After some discussion, Ms. Brown, Ms. Sibley and Mr. Toole were chosen. It was agreed that a discussion of these matters should be an Agenda item in the near future.

Ms. Sibley made a Motion To Adjourn, duly seconded. The Special Meeting adjourned at 9:40 p.m.


Chairman


Date


Clerk-Treasurer


Date

PRESENT: J. Athearn; J. Best; C. Brown; M. Donaroma; J. Greene; M. Ottens-Sargent; A. Schweikert; L. Sibley; R. Toole; J. Vercruysse; K. Warner; and A. Woodruff.

ABSENT: A. Bilzerian; M. Cini; E.P. Horne; T. Israel; J.P. Kelley; M. Oglesby; R.L. Taylor; R. Wey; and R. Zeltzer.

[These Minutes were prepared by the Staff Secretary using the notes she took during the Special Meeting.]